IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

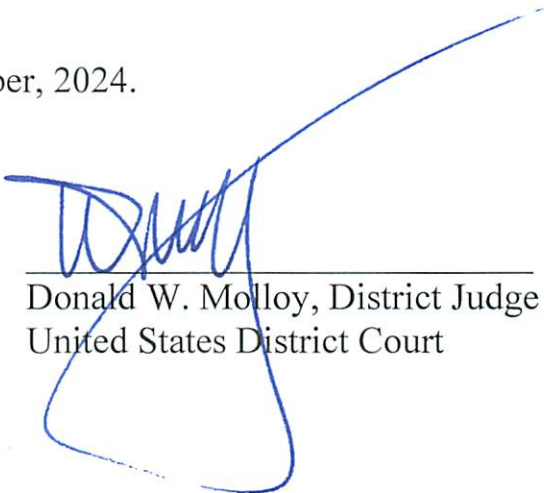|	
ROBERT LEE REICH, Plaintiff, vs. DETENTION OFFICER JOHN SULLIVAN, DETENTION OFFICER JOHN DOE, CHIEF MARK JOHNSON, and CAPTAIN RAY VAUGHN, Defendants.	CV 24–52–BU–DWM ORDER

On June 28, 2024, Plaintiff Robert Lee Reich filed a civil rights complaint

under 42 U.S.C. § 1983, alleging his constitutional rights were violated when he

was not provided with toothpaste at the Silver Bow Detention Center for more than

seven weeks. (Doc. 1.) On August 14, 2024, the Clerk was directed to serve the

defendants, and the defendants were given 60 days to answer or file any other

appropriate motion under Rule 12 of the Federal Rules of Civil Procedure. (Doc.

9.) On October 14, 2024, the defendants filed a motion to dismiss. (Doc. 17.) On

October 22, 2024, Reich filed a motion for default, arguing that the defendants'

responsive filings was untimely by one day. (Doc. 19.) That motion is denied.

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When computing deadlines under the Federal Rules of Civil Procedure, courts are instructed that if the last day of the applicable time period "is a Saturday, Sunday, or legal holiday, the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday." Fed. R. Civ. P. 6(a)(1)(C). By Reich's own calculation, the defendants' response was due on October 13, 2024, which was a Sunday. Additionally, October 14, 2024, was a federal holiday. Thus, the defendants' answer was due by October 15, 2024. Because it was filed before that date, it is timely. Moreover, the service order in the case explicitly states that "Reich shall not make any motion for default until at least seventy (70) days after the date of this Order." (Doc. 9 at 3.) The defendants filed their motion to dismiss in this case prior to end of that 70-day period.

Accordingly, IT IS ORDERED that Reich's motion for default (Doc. 19) is DENIED.

DATED this 28ᵗʰ day of October, 2024.

Donald W. Molloy, District Judge
United States District Court

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